

## Message Text

LIMITED OFFICIAL USE

PAGE 01 TOKYO 13844 300927Z

10

ACTION EB-07

INFO OCT-01 EUR-12 EA-07 ISO-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 OES-03 L-03

/042 W

----- 046809

R 300835Z SEP 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 3670

INFO AMCONSUL MONTREAL

LIMITED OFFICIAL USE TOKYO 13844

MONTREAL FOR US REP ICAO

E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR: NOISE LEVY

REF: STATE 230415

1. ON SEPTEMBER 30, ECON COUNSELOR AND EMBOFF MET WITH FONOFF AM AFF BUR DEP DIR GEN ASAO AND 1ST NA DIV NUMATA AND MATSUOZAWA TO EXPRESS USG'S CONTINUED SERIOUS CONCERN OVER NOISE LEVY RECENTLY IMPOSED BY GOJ ON JET AIRCRAFT. AIDE MEMOIRE, WHICH READS AS FOLLOWS, LEFT WITH FONOFF FOR REFERRAL TO MOT:

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS AND REFERS TO THE MINISTRY'S NOTE OF AUGUST 25 REGARDING THE NOISE LEVY RECENTLY IMPOSED BY THE MINISTRY OF TRANSPORT ON JET AIRCRAFT USING JAPANESE CIVILIAN AIRPORTS.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 TOKYO 13844 300927Z

THE UNITED STATES GOVERNMENT WELCOMES THE

JAPANESE GOVERNMENT'S ASSURANCE THAT THE SPECIAL LANDING FEES WILL BE USED TO FINANCE NOISE ABATEMENT MEASURES ONLY IN THE AREA NEAR THE AIRPORT WHERE THEY ARE COLLECTED. E.G. FUNDS COLLECTED FOR THE USE OF TOKYO AIRPORT WILL NOT BE TRANSFERRED TO THE RELIEF OF OSAKA.

THE UNITED STATES GOVERNMENT AGAIN, HOWEVER, EXPRESSES SERIOUS CONCERN THAT THE WEIGHT OF THE JET AIRCRAFT IS ONE OF THE FACTORS USED IN FORMULATING THE NOISE LEVY. THE NEED FOR NOISE ABATEMENT IS IN PROPORTION TO THE NOISE THE AIRCRAFT MAKES; WEIGHT OF THE AIRCRAFT IS IRRELEVANT. NOR IS ABILITY TO PAY, OR "INCOME EARNING CAPACITY", ESPECIALLY WHEN UNRELATED TO THE SERVICE RENDERED, AN APPROPRIATE CRITERION FOR A USER CHARGE.

THE PRESENT LEVY IS, IN EFFECT, PRIMARILY A TAX ON EACH AIRCRAFT ACCORDING TO WEIGHT. IF A 747 MADE NO NOISE WHATSOEVER, IT WOULD STILL PAY NEARLY TWO-THIRDS OF THE CURRENT CHARGE.

THEREFORE, INSOFAR AS THE NOISE LEVY IS IMPOSED ON THE BASIS OF WEIGHT RATHER THAN NOISE, IT IS QUESTIONABLE WHETHER THE CHARGE WOULD BE "JUST" ACCORDING TO THE TERMS OF ARTICLE 6UVDUBO OF THE AIR TRANSPORT AGREEMENT.

WE ALSO NOTE THAT THE PRESENT DISPARITY BETWEEN HIGH LANDING COSTS IN JAPAN AND CONSIDERABLY LOWER LANDING COSTS IN THE UNITED STATES WILL BE FURTHER AGGRAVATED BY IMPOSITION OF THE NOISE LEVY AS PRESENTLY CALCULATED.

THE UNITED STATES GOVERNMENT URGES THE JAPANESE GOVERNMENT TO RECONSIDER THE ISSUE IN THIS LIGHT WITH A VIEW TO PROMPT REVISION OF THE MEANS USED TO CALCULATE THE NOISE LEVY. END TEXT

2. DURING ORAL PRESENTATION ECON COUN AGAIN MENTIONED OUR LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 TOKYO 13844 300927Z

PREFERENCE THAT NOISE PROBLEM BE DEALT WITH MULTILATERALLY BUT CONCEDED THIS UNLIKELY IN NEAR FUTURE. HE ALSO STRESSED OUR CONCERN THAT THE WEIGHT OF THE AIRCRAFT IS USED IN FORMULATING THE LEVY AND POINTED OUT THAT LARGE AIRCRAFTS ARE OFTEN QUIETER THAN SMALL ONES. WE ALSO MENTIONED THAT US CARRIERS MAY BEAR UNFAIR SHARE OF LEVY AS THEY MORE OFTEN USE LARGE AIRCRAFT AND STATED THAT SINCE JAPAN RESPECTED MEMBER

OF INTL COMMUNITY, IT WAS UNFORTUNATE THAT SHE HAD CHOSEN TO SET SUCH A PRECEDENT.

3. MATSUOZAWA AGAIN EXPLAINED THE GOJ'S VIEW THAT THE WEIGHT; I.E., SIZE OF AN AIRCRAFT IS RELATED TO ITS INCOME EARNING CAPACITY AND THAT THE LEVY THEREFORE, AS FORMULATED, IS FAIR. HE ALSO STATED THAT THE LEVY IS ALSO, IN FACT, AN ADDITIONAL TYPE OF "USER CHARGE", A POINT ALSO CONTAINED IN GOJ'S NOTE OF AUGUST 25. GOJ OFFICIALS ACCEPTED AIDE MEMOIRE AND STATED THEY WOULD FORWARD IT MOT FOR CONSIDERATION.

4. EMBASSY HAS DECIDED NOT TO PURSUE JOINT DEMARCHE MENTIONED TOKYO 12054 SINCE THERE NOW APPEARS LITTLE POSSIBILITY IT WOULD HAVE ANY ADDITIONAL EFFECT. BRITISH DO NOT WISH PRESS CASE SINCE OVERALL AIRPORT CHARGES IN U.K. ARE RELATIVELY HIGH. FRG EMBASSY HERE HAS NO SERIOUS INTEREST IN ISSUE.

5. IN SEPARATE CONVERSATION WITH PAN AM, EMBOFF ALSO LEARNED PROPOSED JOINT AIRLINE LAWSUIT HAS NOT BEEN FILED. IT APPEARS INITIAL ENTHUSIASM FOR THIS ACTION IS WEARING OFF.  
SHOESMITH

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AIRCRAFT NOISE, AIDE MEMOIRE, LANDING TAXES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 30 SEP 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** SmithRJ  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975TOKYO13844  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750338-0403  
**From:** TOKYO  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t1975093/aaaaacjp.tel  
**Line Count:** 139  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 STATE 230415  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** SmithRJ  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 06 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <06 MAY 2003 by BoyleJA>; APPROVED <30 SEP 2003 by SmithRJ>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR: NOISE LEVY  
**TAGS:** EAIR, JA, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006